

PRISONER'S CIVIL RIGHTS COMPLAINT (Rev. 05/2015)

IN THE UNITED STATES DISTRICT COURT
FOR THE LUFKIN DISTRICT OF TEXAS
DIVISION

James Williams #02334849

Plaintiff's Name and ID Number

Polunsky Unit

Place of Confinement

CASE NO. 9:21cv142 RC/ZH

(Clerk will assign the number)

v.

Bryan Collier - Executive Director - TDCJ

Defendant's Name and Address

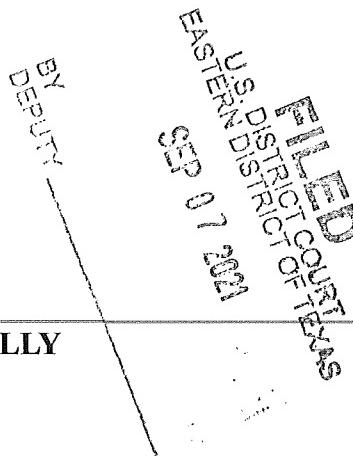
D. D. Dickerson - Warden - Polunsky Unit

Defendant's Name and Address

M. Towhami - Major (Polunsky Unit)

Defendant's Name and Address

(DO NOT USE "ET AL.")



INSTRUCTIONS - READ CAREFULLY

NOTICE:

Your complaint is subject to dismissal unless it conforms to these instructions and this form.

1. To start an action you must file an original and one copy of your complaint with the court. You should keep a copy of the complaint for your own records.
2. Your complaint must be legibly handwritten, in ink, or typewritten. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space, DO NOT USE THE REVERSE SIDE OR BACKSIDE OF ANY PAGE. ATTACH AN ADDITIONAL BLANK PAGE AND WRITE ON IT.
3. You must file a separate complaint for each claim you have unless the various claims are all related to the same incident or issue or are all against the same defendant, Rule 18, Federal Rules of Civil Procedure. Make a short and plain statement of your claim, Rule 8, Federal Rules of Civil Procedure.
4. When these forms are completed, mail the original and one copy to the clerk of the United States district court for the appropriate district of Texas in the division where one or more named defendants are located, or where the incident giving rise to your claim for relief occurred. If you are confined in the Texas Department of Criminal Justice, Correctional Institutions Division (TDCJ-CID), the list labeled as "VENUE LIST" is posted in your unit law library. It is a list of the Texas prison units indicating the appropriate district court, the division and an address list of the divisional clerks.

FILING FEE AND *IN FORMA PAUPERIS* (IFP)

1. In order for your complaint to be filed, it must be accompanied by the statutory filing fee of \$350.00 plus an administrative fee of \$50.00 for a total fee of **\$400.00**.
2. If you do not have the necessary funds to pay the fee in full at this time, you may request permission to proceed *in forma pauperis*. In this event you must complete the application to proceed *in forma pauperis*, setting forth information to establish your inability to prepay the fees and costs or give security therefor. You must also include a current six-month history of your inmate trust account. If you are an inmate in TDCJ-CID, you can acquire the application to proceed *in forma pauperis* and the certificate of inmate trust account, also known as *in forma pauperis* data sheet, from the law library at your prison unit.
3. The Prison Litigation Reform Act of 1995 (PLRA) provides "... if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner shall be required to pay the full amount of a filing fee." See 28 U.S.C. § 1915. Thus, the court is required to assess and, when funds exist, collect, the entire filing fee or an initial partial filing fee and monthly installments until the entire amount of the filing fee has been paid by the prisoner. If you submit the application to proceed *in forma pauperis*, the court will apply 28 U.S.C. § 1915 and, if appropriate, assess and collect the entire filing fee or an initial partial filing fee, then monthly installments from your inmate trust account, until the entire \$350.00 statutory filing fee has been paid. (The \$50.00 administrative fee does not apply to cases proceeding *in forma pauperis*.)
4. If you intend to seek *in forma pauperis* status, do not send your complaint without an application to proceed *in forma pauperis* and the certificate of inmate trust account. Complete all essential paperwork before submitting it to the court.

CHANGE OF ADDRESS

It is your responsibility to inform the court of any change of address and its effective date. Such notice should be marked "**NOTICE TO THE COURT OF CHANGE OF ADDRESS**" and shall not include any motion for any other relief. Failure to file a NOTICE OF THE COURT OF CHANGE OF ADDRESS may result in the dismissal of your complaint pursuant to Rule 41(b), Federal Rules of Civil Procedure.

I. PREVIOUS LAWSUITS:

A. Have you filed *any* other lawsuit in state or federal court relating to your imprisonment? YES NO

B. If your answer to "A" is "yes", describe each lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, giving the same information.)

1. Approximate date of filing lawsuit: _____ N/A

2. Parties to previous lawsuit:

Plaintiff(s) _____ N/A

Defendant(s) _____ N/A

3. Court: (If federal, name the district; if state, name the county.) _____ N/A

4. Cause number: _____ N/A

5. Name of judge to whom case was assigned: _____ N/A

6. Disposition: (Was the case dismissed, appealed, still pending?) _____ N/A

7. Approximate date of disposition: _____ N/A

II. PLACE OF PRESENT CONFINEMENT: Polansky Unit

III. EXHAUSTION OF GRIEVANCE PROCEDURES:

Have you exhausted all steps of the institutional grievance procedure?

YES NO

Attach a copy of your final step of the grievance procedure with the response supplied by the institution.

IV. PARTIES TO THIS SUIT:

A. Name and address of plaintiff: James Williams, TDCJ No. 2334849;
Polansky Unit; 3872 FM 350 South; Livingston, TX.; 77351

B. Full name of each defendant, his official position, his place of employment, and his full mailing address.

Defendant #1: Bryan Collier, TDCJ Executive Director; P.O. Box 99;
Huntsville, TX.; 77342-0099

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Failed to adequately train his supervisors; failed to intervene

Defendant #2: D.D. Dickerson, Head Warden - Polansky Unit, 3872 FM
350 South; Livingston, TX.; 77351

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Denied me protective custody or transfer; failed to intervene or properly
train his officers

Defendant #3: M. Touhami - Major - Polansky Unit; 3872 FM 350 South;
Livingston, TX.; 77351

Briefly describe the acts(s) or omission(s) of this defendant which you claimed harmed you.

Repeatedly denied me protective safekeeping or other action to protect me

Defendant #4: Ombudsman's Office TDCJ employees - John & Jane Does
Huntsville, TX., P.O. Box 99; 77342-0099

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

Denied protective custody, intervention actions.

Defendant #5: _____

Briefly describe the act(s) or omission(s) of this defendant which you claimed harmed you.

V. STATEMENT OF CLAIM:

State here in a short and plain statement the facts of your case, that is, what happened, where did it happen, when did it happen, and who was involved. Describe how each defendant is involved. You need not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach extra pages if necessary, but remember the complaint must be stated briefly and concisely. IF YOU VIOLATE THIS RULE, THE COURT MAY STRIKE YOUR COMPLAINT. "O.P.I." = (offender Protective Investigation)

y. IF YOU VIOLATE THIS RULE, THE COURT MAY
"O.P.I." = Offender Protective Investigation

In early May, 2021, I filed an OFI, because my celly found-out I am a sex offender, they "say" I used-to-be a "Crip" (gang member); well him being a Crip, he attacked me, in the Cell-in 7-Building, I-Pod, 32-cell). Medical took pictures of assault. During my OFI, I was "denied" to be Transferred or placed/be held in protective custody. I wrote a Letter to OMBUDSMAN'S office, (See "Exhibit A"), which they "stamped" as "Received" "May 12, 2021". Around May 15th, 2021, in 7-Building, H-Pod, 25-cell, I was attacked again for the exact same-reason by the same gang. An officer noticed my black-eye (cont'd)...

{ cont'd) ...

VI. RELIEF:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Monetary damages in the amount of \$50,000 against each defendant | A jury trial | All costs in this suit | Any additional relief

VII. GENERAL BACKGROUND INFORMATION:

- A. State, in complete form, all names you have ever used or been known by including any and all aliases.

B. List all TDCJ-CID identification numbers you have ever been assigned and all other state or federal prison or FBI numbers ever assigned to you.

~~or~~son or FBI numbers ever assigned to you.

VIII. SANCTIONS:

- A. Have you been sanctioned by any court as a result of any lawsuit you have filed? YES NO

B. If your answer is “yes,” give the following information for every lawsuit in which sanctions were imposed. (If more than one, use another piece of paper and answer the same questions.)

1. Court that imposed sanctions (if federal, give the district and division): N/A
 2. Case number: N/A
 3. Approximate date sanctions were imposed: N/A
 4. Have the sanctions been lifted or otherwise satisfied? N/A YES NO

YES NO

C. Has any court ever warned or notified you that sanctions could be imposed? YES NO

D. If your answer is "yes," give the following information for every lawsuit in which a warning was issued.
(If more than one, use another piece of paper and answer the same questions.)

1. Court that issued warning (if federal, give the district and division): N/A

2. Case number: N/A

3. Approximate date warning was issued: N/A

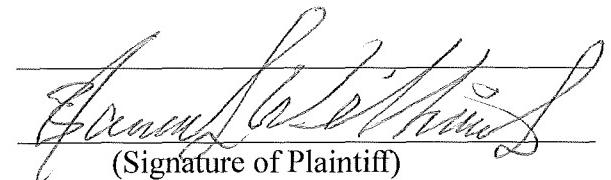
Executed on: 8/15/2021
DATE


(Signature of Plaintiff)

PLAINTIFF'S DECLARATIONS

- I declare under penalty of perjury all facts presented in this complaint and attachments thereto are true and correct.
- I understand, if I am released or transferred, it is my responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.
- I understand I must exhaust all available administrative remedies prior to filing this lawsuit.
- I understand I am prohibited from bringing an *in forma pauperis* lawsuit if I have brought three or more civil actions or appeals (from a judgment in a civil action) in a court of the United States while incarcerated or detained in any facility, which lawsuits were dismissed on the ground they were frivolous, malicious, or failed to state a claim upon which relief may be granted, unless I am under imminent danger of serious physical injury.
- I understand even if I am allowed to proceed without prepayment of costs, I am responsible for the entire filing fee and costs assessed by the court, which shall be deducted in accordance with the law from my inmate trust account by my custodian until the filing fee is paid.

Signed this 15 day of August, 2021.
(Day) (month) (year)


(Signature of Plaintiff)

WARNING: Plaintiff is advised any false or deliberately misleading information provided in response to the above questions may result in the imposition of sanctions. The sanctions the court may impose include, but are not limited to, monetary sanctions and the dismissal of this action with prejudice.

(cont'd)...

in 8-Chow Hall, I was taken to Medical, took pictures, again requested "O.P.I.", and, again, was "DENIED" protective custody OR other intervention strategies/actions to be protected, and was placed back in General Population (G-II custody). Then in 7-Building H-Pod, D9-cell, on July 7th I was tied-up and sexually assaulted, and went to Medical Monday morning, took pictures and was taken to Livingston Hospital and a "Rape Kit" was performed on me. The hospital also took pictures, drew blood, etc., and then I was placed on "Transient O.P.I.", to be shipped/TRANSFERRED.

I also did a "video" with O.I.G. ~~about~~ about the situation.

I have attempted to exhaust all "available" remedies, but around 6/07/2021, I received an "Notice of Extension" for the grievance, (No. 202110500B), I filed in May, 2021, and "Extension" asked for "additional 40 days" and to this day (August 04, 2021), about 60 days later, I still have not received a "timely response". The "Grievance Procedures" do not allow me to file a Step 2 Grievance without attaching the Step 1 Grievance.

Not only is the TDCJ Grievance procedure "Futile" in exercise, my life is in Imminent Danger! How much more DO I HAVE TO GO THROUGH?!! (See "Exhibit B" - "Notice of Extension" & "Administration Review") stating "This is not an Emergency..."

Obviously, our LIVES aren't very important OR our safety to Ombudsmans -or- T.D.C.J and its PRISON OFFICIALS whom are acting under "color of state law". (See "Exhibit B" - "letter" from Ombudsmans Office - dated: May 18, 2021). See "Exhibit C"

(5) X James Williams

James Williams, pro se

2334849

Polunsky Unit
3872 FM 350 South
Livingston, TX 77357

Date: 8/15/2022

Dear Ombudsman Office

"EXHIBIT A" (page
1 of 2)

MAY 12 2021

I have a big problem I am sex offender and a transgender and Im on file as a ex gang member Im none active but on file as a Crip and I've never been a gang member in my life. I have been living OPTs for the last 17 years every time I get to a unit they have me around & with nothing but Crips ~~Cris~~ Unit classification dont know that's putting my life in danger everything cause Crips dont want me around them and if me still being on file as a Crip is no no to them I dont have enough time for Grad but I dont understand why I should have to go to Grad if never been a gang member I dont know nothing about Crips or any other gangs. But being a transgender is a sex offender ~~I'm~~ in need of discreet protection like safe keeping and

My life is in danger where "EXHIBIT A"
over I go if Theres Crips (page 2 of 2)
around. I'm on transf now
for filing DPT on Polenky Unit
again Please I'm begging you
Please place me on safe keeping
Please cause when I get to
where I'm going over advanced
if going to be a problem with
the Crips and I have been to
many units I really like and
wanted to stay but had to
leave. Please look into this
I need to be placed in safe
keeping I'm a sex offender
and transgender and my life
is in danger everywhere I go
by Crips.

Thank
you

TEXAS DEPARTMENT OF CRIMINAL JUSTICE
Inter-Office Communication
Administrative Review and Risk Management
Offender Grievance

TO: WILLIAMS,JAMES JR

DATE: 5/18/2021

TDCJ #: 02334849

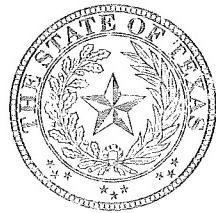
UNIT: TL

FROM: Central Grievance Office

SUBJECT: Offender Correspondence

Your documents received in this office have been reviewed and a response is indicated below. Contact the warden, major, chief of classification or a security officer for issues you deem as an emergency; however, are not considered an emergency, through the Offender Grievance Procedure. **If you need additional information or assistance, you may contact the Unit Grievance Investigator at your unit.**

- Your correspondence was received at the Central Grievance Office and forwarded to Unit Administration for further review.
- Your correspondence was forwarded to the ARRM Division and this division (Access to Courts, Counsel Substitute, Ombudsman, & Offender Grievance) does not respond to offender correspondence.
- Please utilize the Offender Grievance Procedure to address your concerns.
- A copy of the Instructions on How to Write and Submit Grievances is enclosed for your information.
- Your Step 1 grievance(s) was properly screened.
- Direct this issue to the Classification and Records Office.
- Direct this issue to the Parole Board.
- It is not permissible to mail your grievances directly to the Central Grievance Office. Submitting your grievances incorrectly may result in your grievable time to expire.
- This issue is currently being addressed by unit officials. Grievance # 2021105066__ is under review at Step 1.
- These issues have been reviewed at both steps of the grievance procedure. No other administrative remedies are available to you regarding the issue. Further action by this office is not warranted.
- Records indicate that Grievance # _____ was returned to you on _____.
- Attachments returned.



Texas Department of Criminal Justice

**STEP 2 OFFENDER
GRIEVANCE FORM**

Offender Name: JAMES WILLIAMS TDCJ # 233484Q
Unit: Polusky Housing Assignment: MTRB-Wall
Unit where incident occurred: Polusky Unit U-40

OFFICE USE ONLY

Grievance #: _____
UGI Recd Date: _____
HQ Recd Date: _____
Date Due: _____
Grievance Code: _____
Investigator ID#: _____
Extension Date: _____

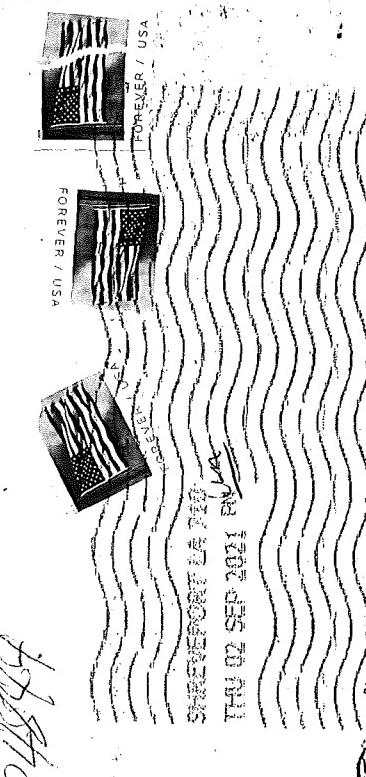
You must attach the completed Step 1 Grievance that has been signed by the Warden for your Step 2 appeal to be accepted. You may not appeal to Step 2 with a Step 1 that has been returned unprocessed.

Give reason for appeal (Be Specific). I am dissatisfied with the response at Step 1 because...

I have not received my Step 1-Grievance back from this Grievance number 202105066 and it's been over an additional 40 days of response

Must be submitted
with original step 1.

A handwritten signature, appearing to be "J.Williams", written in black ink.



James Lewis
Lewisville, TX
75057
Missouri

REURNED TO ADDRESSEE
NO FURTHER MAILING
WHEN MAILING THIS MESSAGE
SHIPPING OVER

~~US District Court~~
US District Court
Eastern District of Texas
104 N. Third Street
Lufkin, Tx 75901

CHG 115